

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
GREENEVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
)	2:18-CR-017-018
v.)	JUDGE JORDAN
)	
)	
LAWRENCE POWELL EARHART, II)	

SENTENCING MEMORANDUM

COMES NOW the United States of America, by and through J. Douglas Overbey, United States Attorney for the Eastern District of Tennessee, and files this sentencing memorandum in compliance with the Court's Order.

The presentence investigation report for LAWRENCE POWELL EARHART, II correctly sets forth the pertinent sentencing factors of 18 U.S.C. § 3553(a), the correct advisory guideline calculation of 60 months imprisonment, based upon a total offense level of 23, a correct criminal history level calculation of I, and the statutorily required minimum sentence of five years, pursuant to 21 U.S.C. § 846, 841(a)(1), (b)(1)(B).

However, in light of the recent changes in the law, pursuant to the First Step Act of 2018, the United States recognizes that the defendant has met the criteria of 18 U.S.C. § 3553(f) and though the Sentencing Guidelines have not yet been amended to reflect the statutory change, the defendant should receive an additional two level reduction in his offense level to give effect to the anticipated Guidelines' implementation of the First Step Act. Thus, the effective advisory guideline sentencing range for the defendant should be 37 to 46 months imprisonment, based on a total offense level of 21, and a criminal history category of I. The United States submits that the defendant should be sentenced within that range and objects to further downward departure or variance from the correctly calculated sentencing guideline range.

Respectfully submitted,

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